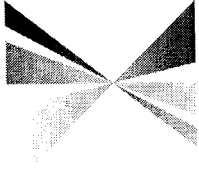


SOUTHERN CALIFORNIA



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MEETING OF THE

TRANSPORTATION CONFORMITY WORKING GROUP COMMITTEE

Tuesday, January 24, 2006

10:00 a.m. – 12:00 p.m.

SCAG Offices

818 W. 7th Street, 12th Floor

Riverside A Conference Room

Los Angeles, California 90017

213. 236.1800

If members of the public wish to review the attachments or have any questions on any of the agenda items, please contact Jessica Kirchner at 213.236.1983 or kirchner@scag.ca.gov

SCAG, in accordance with the Americans with Disabilities Act (ADA), will accommodate persons who require a modification of accommodation in order to participate in this meeting. If you require such assistance, please contact SCAG at (213) 236-1868 at least 72 hours in advance of the meeting to enable SCAG to make reasonable arrangements. To request documents related to this document in an alternative format, please contact (213) 236-1868.

TRANSPORTATION CONFORMITY WORKING GROUP INTERAGENCY CONSULTATION

AGENDA

			PAGE #	TIME
1.0	<u>CALL TO ORDER</u>	Jennifer Bergener, OCTA		
2.0	<u>WELCOME AND INTRODUCTIONS</u>	Jennifer Bergener, OCTA		
3.0	<u>PUBLIC COMMENT PERIOD</u> Members of the public desiring to speak on an agenda item or items not on the agenda, but within the purview of this committee, must fill out a speaker's card prior to speaking and submit it to the Staff Assistant. A speaker's card must be turned in before the meeting is called to order. Comments will be limited to three minutes.			
4.0	<u>CHAIR'S REPORT</u>	Jennifer Bergener, OCTA		
5.0	<u>ACTION ITEMS</u>			
5.1	<u>Approval of the December 20, 2005 Meeting Summary Attachment</u>		1	
6.0	<u>INFORMATION ITEMS</u>			
6.1	<u>PM2.5 Hotspot Analysis Attachment</u>	Jean Mazur FHWA	6	20 minutes
6.2	<u>EPA SAFETEA-LU Guidance</u>	Karina O'Connor, US EPA		10 minutes
6.3	<u>SAFETEA-LU Planning Cycle Attachment</u>	Jean Mazur, FHWA	8	20 minutes
6.4	<u>TCM Update</u>	Jessica Kirchner, SCAG Staff		10 minutes

TRANSPORTATION CONFORMITY WORKING GROUP INTERAGENCY CONSULTATION **AGENDA**

		<i>PAGE #</i>	<i>TIME</i>
6.0	<u>INFORMATION ITEMS CONT/D</u>		
6.5	<u>RTP Update</u>	Jessica Kirchner, SCAG Staff	5 minutes
6.6	<u>RTIP Update</u>	SCAG/FHWA	5 minutes
6.7	<u>2007 AQMP Update</u>	SCAQMD	5 minutes
6.8	<u>Reauthorization Guidance</u>	FHWA	5 minutes
6.9	<u>Information Sharing</u>	Group Discussion	
7.0	<u>ADJOURNMENT</u>	Jennifer Bergner, OCTA	

The next Transportation Conformity Working Group meeting is currently scheduled for Tuesday, February 28, 2006 at SCAG offices.

Please provide 30 copies of materials you would like to distribute at the meeting. If you have any questions, please contact Jessica Kirchner at (213) 236-1983 or kirchner@scag.ca.gov.

Transportation Conformity Working Group Interagency Consultation Meeting Summary

**Tuesday, December 20, 2005
10:00 AM – 12:00 PM**

**Southern California Association of Governments
818 W 7th Street, 12th Floor
Los Angeles, CA 90017
Riverside 'A' Conference Room**

The following minutes are intended to summarize the matters discussed.
An audiocassette tape of the actual meeting is available for listening in SCAG's office.

1.0 CALL TO ORDER

The meeting was called to order at 10:05 AM by Ty Schuiling, SANBAG

2.0 WELCOME AND SELF-INTRODUCTIONS

ATTENDANCE:

In Person:

Naresh Amatya, SCAG
Grace Balmir, FHWA/FTA
Jennifer Bergner, OCTA
Sheryll Del Rosario, SCAG
Jessica Kirchner, SCAG
Philip Law, SCAG
Ken Lobeck, RCTC
Jean Mazur, FHWA
Sylvia Patsaouras, SCAG
Ty Schuiling, SANBAG
Eyvonne Sells, AQMD
Arnie Sherwood, ITS/UCB
Leann Williams, Caltrans

Via Teleconference:

Mike Brady, Caltrans Headquarters
Sandy Johnson, Caltrans District 11
Ted Matley, FDA Region 9
Karina O'Connor, EPA Region 9
Lisa Poe, SANBAG
Dennis Wade, ARB
Carla Walecka, TCA

2.0 PUBLIC COMMENT PERIOD

There were no public comments at this meeting.

4.0 CHAIR'S REPORT

Chair Ty Schuiling, SANBAG, stated that he attended the kick off meeting of the AQMP Advisory Committee on December 7th (as did several other TCWG members). At the meeting there was a discussion with AQMD staff about the need to involve the District in some of the Goods Movement strategies for the region.

5.0 ACTION ITEMS

5.1 Approval of the November 22, 2005 Meeting Summary

Eyvonne Sells, AQMD, requested that in the 6.4 AQMP Update, the last sentence of the first paragraph to be removed. The AQMP Working Group Advisory meeting will begin late December, early January. Additionally, there were some issues and topics discussed under the TCM Update, Item 6.1, that are relevant to the summary. Specifically, the FHWA comments regarding the emission reductions identified in the TIP and the RTIP guidelines comments that were made, and the specific issues that were raised in the TCM discussion need to be identified specifically based upon the agencies comments.

MOTION was then made to ACCEPT the Meeting Summary Minutes as AMENDED.

6.0 INFORMATION ITEMS

6.1 RCTC TCM Replacement (Ken Lobeck, RCTC)

Ken Lobeck, (RCTC) stated that RCTC is proposing to substitute a three bus expansion project in the City of Corona. The City had planned to add additional buses but is not going to go forward now because there is no demand for it. He provided some background to the project stating that the City of Corona implemented two lines, the Green and Blue Lines, with plans to implement a third line which would program three expansion bus lines for the Red Line. After seventeen months, the Green Line did not have sufficient ridership and the City of Corona did not see the need to expand service for another three to five years. Corona then went forward and implemented the Red Line and deleted the Green Line. Since that time Corona has been trying to determine whether or not to implement the third line. At the same time, around late 2003, RCTC proposed to work with Corona to see if they could modify their routes and provide them increased services without having to procure extra buses. In May 2005 Corona came back to RCTC to relinquish the funds them. Therefore it is necessary to replace the TCM.

RCTC is now proposing a park and ride facility as the substitution. It is located at an existing church parking lot on Ontario Avenue and will provide 60 spaces which will be leased on an annual basis and maintained as a joint operation. Negotiations for an additional 40 spaces across the street are currently in process. Based on SCAG's emissions analysis it has been determined that the proposed park and ride lot will provide adequate emissions benefits to replace the existing TCM. In addition the proposed replacement meets the requirements for a TCM replacement. RCTC is looking at a February 2006 implementation so the project will be in the RTIP. This would be the last memo RCTC is planning as part of the 2004 RTIP.

Grace Balmir, FHWA/FTA, stated that she would suggest a more comprehensive look at building the ridership base to attract people to the area and ensure long term usage of the park and ride. Mr. Lobeck responded that they hope to create demand and then build a

permanent facility. The current proposal would be a short term solution while Corona attempts to find a long term facility. In addition, RCTC is working with Corona to determine what they will have the need for in the future. Ms. Balmir then requested that SCAG change the Legal Authority line that states RCTC has full legal authority to construct and operate the replacement project to RCTC have the full legal authority to replace the project.

Mike Brady, Caltrans, stated that an annual lease is not permanent and what was needed was a written commitment once this is installed to maintain that kind of park and ride capability in that vicinity as a minimum for some reasonable amount of time until something permanent is put in. Mr. Lobeck responded he would program multiple years in the TIP based on the cost through 2008-09.

Arnie Sherwood, ITS/UCB, stated that the question has been raised in the past as to what TCMs should be in the next SIP. Mr. Sherwood questioned whether small projects such as the Riverside project should be included as TCMs at all. Eyvonne Sells, AQMD, stated that since Mr. Sherwood identified the working group and because these continue to come up, she thought it was important that the group identify a schedule for working group meetings. She pointed out the AQMP is currently in process as is the RTP. She added that as an agency the AQMD has to be concerned with the TCMs because it is a major part of the plan. She then urged the Committee to recognize the importance of the TCM working group and identify a schedule for meeting to discuss the issues. Chair Schuiling, SANBAG, stated that as he recalled the TCWG members had previously agreed that the TCM working group discussions ought to be moved to the TCWG. The Committee members concurred this. Sylvia Patsaouras, SCAG staff, added that SCAG was hiring an air quality person that was going to start on January 9th and he would be a very active participant in the discussions for the TCM input for the SIP. She also added that any of the members of the TCWG that wished to participate would be welcome. Chair Schuiling stated that this needed to be brought forward as an agenda item for discussion at the January TCWG along with SAFETEA-LU guidance on TCM substitution.

6.2 RTP Update (Naresh Amatya, SCAG)

Naresh Amatya, stated that staff was moving forward with the four-year cycle. Staff went to the TCC on December 1st and got their endorsement on this process. Initial concerns included the fact that the conformity on the current RTP would expire in June of 2007 and at this time SCAG has not received guidance from FHWA on what would occur during the one year grace period as described in SAFETEA-LU. At this point the implementing agencies are also moving forward in utilizing the grace period and if this works out there should not be any further issue in terms of moving forward with this four-year cycle. Therefore, staff will be developing a Draft RTP to be released for public comment by fall of 2007 and a final plan to the Regional Council in April 2008.

Staff did clarify to the TCC when the Committee endorsed the recommendation to go with the SAFETEA-LU four-year period that there was some risk associated with the ability to amend the TIP during that one year grace period. It is SCAG's position that it is not at all clear that administrative amendments could not take place, however, that is something that needs to be clarified and it may require legislative relief to know what exactly the grace period would entail.

Jean Mazur, FHWA, stated that her office had talked about formally forwarding to all the MPOs FHWA clarifying guidance on going to the four-year update cycle. Ms. Mazur will forward the guidance to SCAG staff and then it will be distributed to the TCWG members. The item will also be included on the January TCWG agenda for further discussion.

6.3 RTIP Update (Rosemary Ayala, SCAG)

Update on the item was deferred until January 2006.

6.4 TCM Update (Jessica Kirchner, SCAG)

Jessica Kirchner, SCAG Staff, stated that Staff has asked all the CTCs to provide input and we have received information from all except for MTA. Once staff receives input from all the counties and has time to review the projects the list of TCMs will be brought to the TCWG.

6.5 2007 AQMP Update (SCAQMD)

Eyvonne Sells, AQMD, stated that the first AQMP working group meeting was held on December 7 where the upcoming strategies were outlined. SCAG participated and reported on the RTP and the intent to use the four-year planning cycle that was provided for in SAFETEA-LU. The meetings are currently scheduled to be held on the second Tuesday of every month. The main meeting for the actual AQMP working group will be held in February 2006 but the modeling group will be meeting in January to work out some of the data issues that have identified. Chair Schuiling stated that among other things there were updates on the new federal standards, the deadlines for attainment, and there was discussion about the District and ARB considering re-designation of the south coast, it is currently severe seventeen status on ozone but might consider going to extreme for ozone. There was also considerable discussion about the contribution of Goods Movement to the air quality issues in the south coast air basin and the need to focus on mitigating the impacts of Goods Movement for purpose of demonstrating attainment.

The input to the next AQMP is going to be primarily based on the 2004 RTP which is the adopted document at this point. However, the law also requires use of the most current planning information therefore SCAG staff is making technical adjustments to the 2004 RTP for inclusion in the AQMP. Staff's adjusted data is due to the AQMP in the spring of 2006 and most likely it will warrant more action from SCAG, meaning it would have to go to the Board in March of 2006 or earlier. SCAG staff stated that any data supplied in the next few months would be preliminary.

6.6 Reauthorization Guidance (Jean Mazur, FHWA)

Jean Mazur stated that FHWA had a clarification to the Planning Guidance that had been released back in September which pertained to the four-year update cycle. Several other MPOs wanted to utilize this provision triggering the need for FHWA to provide additional guidance on that issue. As far as the conformity guidance, FHWA has not received it yet.

6.7 Information Sharing (Group Discussion)

Dennis Wade, ARB, stated that Kurt Cataros was appointed to be the Chief of the Air Quality and Transportation Planning Branch, ARB, the post which was formally held by Cynthia Marvin, and Cynthia is now the Chief in the Planning Division. Michael Benjamin has been appointed Chief of the Mobil Source Analysis Branch which is responsible for both on-road model and off-road emissions model at the ARB.

Sylvia Patsaouras, SCAG Staff, announced that Jonathan Nadler was going to be starting January 9th and he is going to be the new Air Quality and Conformity Project Manager at SCAG. She also took the opportunity to thank Chair Schuiling as this was the end of his tenure as Chairman of the TCWG. Jennifer Bergener, OCTA, will be taking over as Chair next year. Additionally Sheryll Del Rosario was introduced as a new Staff person who will be working in Air Quality as well. She will be working in the Air Quality Component over the RCP and also on the EIR for the RTP.

Jean Mazur, FHWA, added that there would potentially be potentially PM 2.5 hot spot requirements for PM 2.5 non-attainment areas which would apply at the same time that the regional conformity, that is April of 2006. The guidance on what exactly these hot spots requirements are has not come out yet, so FHWA and EPA have been working on those regulations and some guidance to go along with that and would like to encourage any project sponsors that would have potentially need for approvals and any other project approvals after that April date to let FHWA know if they anticipate this being a problem for your project.

Mike Brady, Caltrans Headquarters, mentioned that Statewide Conformity Working Group was meeting in Sacramento at ARB at February 2, 2006, 10:30 a.m. to 3:30 p.m.

7.0 ADJOURNMENT

The meeting adjourned at 11 A.M. The next meeting of the TCWG will be on Tuesday, January 24, 2006 at the SCAG office.



Jessica Kirchner

From: Mazur, Jean [Jean.Mazur@fhwa.dot.gov]
Sent: Wednesday, November 30, 2005 1:44 PM
To: Sylvia Patsaouras; Jessica Kirchner
Cc: Luxenberg, Steve; Balmir, AltaGrace; Cathcart-Randall, Lisa
Subject: FW: INFORMATION: Project level conformity in PM2.5 nonattainment areas

Sylvia and Jessica - At the last statewide conformity working group meeting, FHWA requested MPO staff (in the new PM2.5 nonattainment areas) assistance in relaying PM2.5 hotspot requirement information to project sponsors. The potential hotspot requirements may affect FHWA's ability to take project-level actions (NEPA or funding approvals) after April 5, 2006.

The Division offices received the attached email from our Headquarters pertaining to this issue. The email contains information that is important for project sponsors, including the following:

- * RTP, TIPS and projects need to comply with all PM2.5 conformity requirements after April 5, 2006;
- * EPA has not yet finalized the PM2.5 hotspot requirements; EPA is required to complete the final rule by 3/31/05;
- * Federal transportation projects in PM2.5 nonattainment areas may require a PM2.5 hotspot analysis;
- * The hotspot requirements could apply even if a NEPA document was completed for the project prior to April 5, 2006;
- * Given that the final regulations may not be in place until just before April 6, 2005, project sponsors should review project schedules to determine the potential impact to project delivery;
- * DOT and EPA will be discussing if project-level guidance can be released prior to the final rule; and
- * The Division office will relay any new information as soon as it is available.

If you could forward this email to the conformity working group, I would appreciate it. Please feel free to disseminate this information in any other way that SCAG feels is appropriate. I will also be discussing this issue at the SCAG RTIP meeting on December 19, 2005.

Thank you for your assistance with this matter.

Jean Mazur
Air Quality Specialist
Federal Highway Administration
650 Capitol Mall
Sacramento, CA, 95814
Phone: 916-498-5732
Email: jean.mazur@fhwa.dot.gov

> -----Original Message-----
> From: Bank, Fred
> Sent: Thursday, November 17, 2005 11:27 AM
> To: ##ALLHDA; ##ALLFLH; ##ALLRCM
> Cc: HEPODs; Draper, Rob; Ferroni, Mark; Ho, Cecilia; Koontz, Michael; Savonis, Michael
> Subject: INFORMATION: Project level conformity in PM2.5 nonattainment areas
>
> To the Attention of Air Quality, Planning, and Environmental Staff:
>
> The purpose of this message is to alert Division staff to issues associated with the implementation of transportation conformity under the PM2.5 standard on April 5, 2006. In particular, we want to ensure our partners are aware of approval and authorization issues for projects in PM2.5 nonattainment areas after that date.
>
> As you know, effective April 5, 2005, EPA designated 39 areas (see

<<http://www.epa.gov/oar/oaqps/greenbk/qindex.html>>) as nonattainment for the PM2.5 air quality standard. Under Section 176(c)(6) of the Clean Air Act, transportation conformity will apply in those areas on April 5, 2006. This provision of the Clean Air Act and this deadline were not effected by the enactment of SAFETEA-LU.

>

> In PM2.5 nonattainment areas, conformity determinations on metropolitan transportation plans and TIPS must be made by FHWA/FTA by April 5, 2006, or the restrictions of a conformity lapse will apply (see <http://www.fhwa.dot.gov/environment/conformity/rg0399_m.htm>).

>

> However, this deadline also affects project authorizations and approvals. After April 5, 2006, project-level conformity determinations must be made prior to final NEPA approval (i.e., ROD, FONSI, or CE) and/or project authorizations for non-exempt projects or project phases. This applies to project authorizations made after April 5, 2006, even if the final NEPA approval was before April 5, 2006.

>

> Project level conformity determinations will require that the project come from a conforming transportation plan/TIP or associated PM2.5 regional emissions analysis. In addition, a PM2.5 hot-spot analysis may be required. However, EPA has yet to finalize PM2.5 hot-spot requirements, and may not do so until March 31, 2005. Therefore, although project-level conformity determinations will be required after April 5, 2006, we may not know the final criteria and requirements for PM2.5 hot-spot analysis until only a few days before. DOT and EPA will be discussing if we can offer further project level guidance prior to the release of the final rule.

>

> State DOTs, MPOs, and project sponsors may therefore wish to closely examine their project schedules in PM2.5 nonattainment areas. Project schedules may warrant adjustment to either advance the scheduled approval or authorization to before April 5, 2006, or to allow additional time to allow for the project-level analysis.

>

> If you think your State may be facing the April 5, 2006 deadline to demonstrate PM2.5 project level conformity or that the deadline may affect specific project delivery, or if you have any questions regarding transportation conformity, please contact Cecilia Ho at 202-366-9862 or cecilia.ho@fhwa.dot.gov <<mailto:cecilia.ho@fhwa.dot.gov>>, Gary Jensen at 202-366-2048 or gary.jensen@fhwa.dot.gov <<mailto:gary.jensen@fhwa.dot.gov>>, or Emily Tait at 202-366-9482 or emily.tait@fhwa.dot.gov <<mailto:emily.tait@fhwa.dot.gov>>.

>

>

>

FHWA/FTA CLARIFYING GUIDANCE ON IMPLEMENTATION OF SAFETEA-LU PLANNING PROVISIONS

Since the issuance of the *FHWA/FTA Interim Guidance on Implementation of SAFETEA-LU Planning Provisions* on September 2, 2005, a number of questions have been posed by FHWA Division Offices, FTA Regional Offices, State DOTs, public transportation operators, and MPOs on the period between August 10, 2005 (SAFETEA-LU enactment date) and July 1, 2007 (the SAFETEA-LU requirement for full implementation of the planning provisions). The following provides clarified information for addressing this transition.

BEFORE JULY 1, 2007:

Metropolitan and statewide transportation plans, transportation improvement programs (TIPs), and statewide transportation improvement programs (STIPs) may be completed under TEA-21 requirements. For metropolitan transportation plans, TIPs, and STIPs that are developed under this scenario, the FHWA/FTA action (i.e., conformity determinations and STIP approvals) must be completed no later than June 30, 2007. For metropolitan transportation plans in attainment areas that are developed under this scenario, the MPO adoption action must be completed no later than June 30, 2007. If the applicable actions are not taken before July 1, 2007, all SAFETEA-LU provisions would apply, regardless of when the transportation plan and/or program were developed.

ON AND AFTER JULY 1, 2007:

State and MPO adoption actions on transportation plans, TIPs, and STIPs (i.e., amendments, revisions, or updates) must completely reflect all SAFETEA-LU planning provisions prior to the FHWA/FTA action. Because projects included in TIPs and STIPs are drawn from transportation plans, the underlying planning processes involved in preparing the transportation plan, TIP, and STIP must be consistent. Therefore, projects contained in TIPs and STIPs approved after July 1, 2007 must be consistent with transportation plans based on SAFETEA-LU requirements.

EARLY TRANSITION FROM TEA-21 TO SAFETEA-LU:

MPOs in nonattainment and maintenance areas may take advantage of the four-year SAFETEA-LU update cycles for transportation plans immediately. Therefore, the next transportation plan update (and FHWA/FTA conformity determination) must be completed within four years of the date of the FHWA/FTA conformity determination on the current transportation plan. However, the resulting transportation plan must reflect all SAFETEA-LU planning provisions at the time of the FHWA/FTA conformity determination (before or after July 1, 2007).

NEXT STEPS:

Well in advance of July 1, 2007, FHWA Division Offices and FTA Regional Offices should work closely with the States, MPOs, and public transportation operators to cooperatively assess their existing transportation planning processes and mechanisms relative to the SAFETEA-LU provisions and define key process and/or product “gaps” to be addressed. Moreover, above and beyond the update cycles for metropolitan transportation plans, States and MPOs should begin

reviewing and assessing their processes and update cycles for TIPs and STIPs, since projects reflected in the TIP and STIP must be consistent with the respective transportation plans.

FURTHER QUESTIONS:

If you have any further questions on this clarifying information, please contact:

FHWA:

John Humeston or Harlan Miller, Office of Planning (transportation planning issues).

Emily Tait or Gary Jensen, Office of Natural and Human Environment (transportation conformity issues).

FTA:

Charlie Goodman or Carolyn Mulvihill, Office of Systems Planning (transportation planning issues).

Abbe Marner, Office of Environment (transportation conformity issues).